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Howard P. Magaliff

Presentment Date: 11/03/23 at 12:00 p.m.
Objection Date: 11/03/23 at 11:30 a.m.

Attorneys for Howard P. Magaliff, Chapter 7 Trustee

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

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In re:	:	Chapter 7
	:	
MARK STEVEN ACKER,	:	Case No. 22-22359 (SHL)
	:	
Debtor.	:	
-----	X	

**NOTICE OF PRESENTMENT OF AMENDED ORDER
(i) SCHEDULING AUCTION SALE OF THE REAL
PROPERTY LOCATED AT 47 TRANQUILITY ROAD, SUFFERN,
NEW YORK AND HEARING TO APPROVE SALE, (ii) APPROVING
TERMS AND CONDITIONS OF SALE, (iii) APPROVING
BIDDING PROCEDURES, AND (iv) APPROVING NOTICE PROVISIONS**

PLEASE TAKE NOTICE, that Howard P. Magaliff, the chapter 7 trustee of the debtor Mark Steven Acker (the (“Trustee”), by his attorneys R3M Law, LLP, will present the attached order of Bankruptcy Judge Sean H. Lane in his Chambers at the United States Bankruptcy Court for the Southern District of New York, 300 Quarropas Street, White Plains, NY 10601, on November 3, 2023 at 12:00 noon (the “Presentment Date”).

PLEASE TAKE FURTHER NOTICE that responses or objections, if any, to the proposed order must be made in writing, state with particularity the grounds therefor, conform to the Federal Rules of Bankruptcy Procedure and the Local Bankruptcy Rules for the Southern District of New York, be filed electronically in text searchable portable document format (PDF) with the Court in accordance with General Order M-399 (General Order M-399 can be found at www.nysb.uscourts.gov, the official website for the Court), by registered users of the Court’s case filing system and by all other parties in interest (with a hard-copy delivered directly to the Judge’s Chambers), and be served by email upon: (i) R3M Law, LLP, Attn: Howard P. Magaliff, Esq., hmagaliff@r3mlaw.com; and (ii) the Office of the United States Trustee for the Southern District of New York, Attn: Paul Schwartzberg, Esq., paul.schwartzberg@usdoj.com, so as to be actually received by 11:30 AM (Eastern Time) on November 3, 2023.

PLEASE TAKE FURTHER NOTICE that if a written objection is timely served and filed, a hearing (the “Hearing”) will be held on a date to be determined by the Bank-

ruptcy Court. Objecting parties are required to attend the Hearing, and failure to appear may result in relief being granted or denied upon default. If no objection is timely filed, the order may be entered without a hearing.

Dated: New York, New York
October 30, 2023

R3M LAW, LLP
Attorneys for the Chapter 7 Trustee
By:

/s/ Howard P. Magaliff
HOWARD P. MAGALIFF
335 Madison Avenue, 9th Floor
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UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

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In re:	:	Chapter 7
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MARK STEVEN ACKER,	:	Case No. 22-22359 (SHL)
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**AMENDED ORDER (i) SCHEDULING AUCTION SALE OF THE REAL
PROPERTY LOCATED AT 47 TRANQUILITY ROAD, SUFFERN,
NEW YORK AND HEARING TO APPROVE SALE, (ii) APPROVING
TERMS AND CONDITIONS OF SALE, (iii) APPROVING
BIDDING PROCEDURES, AND (iv) APPROVING NOTICE PROVISIONS**

Upon the application dated September 27, 2023 (the “Application”) of Howard P. Magaliff (the “Trustee”), the chapter 7 trustee of the estate of Mark Steven Acker (the “Debtor”), for entry of an order (i) scheduling (a) the auction sale of the real property and improvements thereon located at 47 Tranquility Road, Suffern, New York (the “Property”) owned by the Debtor and his spouse for November 9, 2023 at 11:00 a.m. and (b) the hearing before this Court for November 14, 2023 at 10:00 a.m. to consider the Trustee’s motion for approval under 11 U.S.C. § 363(b) of the auction sale of the Property pursuant to 11 U.S.C. § 363(f) free and clear of liens and interests of entities other than the estate (the “Sale Motion”) and the proposed notice thereof; (ii) approving the terms and conditions of sale (the “Terms and Conditions of Sale”) attached as Exhibit 1 to the Application; (ii) approving the bidding procedures (the “Bidding Procedures”) attached as Exhibit 2 to the Application; and (iv) approving the notice of auction sale and hearing (the “Notice”) attached as Exhibit 3 to the Application; and it appearing that there is good and sufficient cause to approve the proposed Terms and Conditions of Sale, Bidding Procedures, Notice, and notice of the Sale Motion and the hearing thereon, in that the proposed Notice and notice of the Sale Motion and sale hearing are consistent with the applicable Bankruptcy

Rules and that the Terms and Conditions of Sale and Bidding Procedures are in the best interests of the Debtor's estate, creditors, and parties in interest as likely to maximize the sale price pursuant to an open, fair and orderly process consistent with the Trustee's duty to promptly liquidate the property of the Debtor's estate; and a hearing having been held on October 10, 2023, and no objections having been raised, it is,

ORDERED, that the Application be, and hereby is, granted as set forth herein; and it is further

ORDERED, that the Trustee be, and hereby is, authorized and directed to conduct an auction sale of the Property in accordance with the requirements of the United States Bankruptcy Code, the Federal Rules of Bankruptcy Procedure and the Local Rules of this Court; and it is further

ORDERED, that the forms of the Terms and Conditions of Sale, the Bidding Procedures and the Notice of Sale attached as Exhibits 1-3 to the Application be, and hereby are approved; and it is further

ORDERED, that the Auction Sale shall take place on November 9, 2023 at 11:00 a.m. and shall be conducted in accordance with the Bidding Procedures attached as Exhibit 2 to the Application; and it is further

ORDERED that the hearing to consider approval of the Sale Motion and the Successful Bidder (as that term is defined in the Terms and Conditions of Sale) will be held on November 14, 2023 at 10:00 a.m. The hearing will be conducted virtually using Zoom for Government. Parties wishing to appear must register in advance using the Electronic Appearance portal located on the Court's website at <http://ecf.nysb.uscourts.gov/cgi-bin/nysbAppearances.pl>; and it is further

ORDERED that the Trustee shall serve (a) a copy of this Order, the Terms and Conditions of Sale, the Bidding Procedures, the Notice of Sale and the motion to approve the sale (the “Sale Motion”) within three business days after entry upon (i) all known secured creditors and entities known to assert a lien or interest against the Property, (ii) all persons known to have expressed an interest in bidding on the Property, (iii) all creditors appearing on the ECF matrix maintained by the Clerk of the Court, (iv) counsel for the Debtor, (v) the United States Trustee, and (vi) everyone who filed a notice of appearance; and it is further

ORDERED that MYC & Associates, Inc. (“MYC”) shall continue to market the Property until the Auction Sale in the manner in which MYC, in the exercise of its business judgment, determines is the best method for soliciting offers under the circumstances and consistent with the Trustee’s retention of MYC.

Dated: White Plains, New York
November __, 2023

Hon. Sean H. Lane
United States Bankruptcy Judge